

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

PAUL ALLEN BROWN,
TDCJ-CID # 1135724,
Plaintiff,

v.

MARCIANO LIMSIACO, *et al.*,
Defendants.

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CIVIL ACTION NO. H-06-1070

MEMORANDUM OPINION AND ORDER

Plaintiff Paul Allen Brown, a state inmate proceeding *pro se* and *in forma pauperis*, files this complaint under 42 U.S.C. § 1983 against prison mental health care providers and managers Marciano Limsiaco, Beverly Sloan, Raymond Neuse, Woltex Flippo, Orval Hester, Raymond Vermillion, and Evelyn Jones, complaining of their deliberate indifference to his serious psychiatric needs.

On July 17, 2006, the Court ordered plaintiff to file an amended complaint by August 15, 2006. On August 14, 2006, the Court granted plaintiff's motion for an extension of time, and ordered the amended complaint filed by September 15, 2006. Plaintiff was warned that his failure to timely comply may result in the dismissal of this case without further notice. To-date, plaintiff has failed to comply with the Court's order by filing the amended complaint. The Court takes judicial notice, *sua sponte*, that plaintiff's related lawsuit, *Brown v. King*, C.A. No. 6cv0199 (E.D. Tex. 2006), was dismissed by that court on July 27, 2006, for plaintiff's failure to file an amended complaint.

A district court may dismiss an action for failure to prosecute or comply with any order of the court. *McCullough v. Lynaugh*, 835 F.2d 1126 (5th Cir. 1988); FED. R. CIV. P. 41(b). Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate for plaintiff's failure to comply with the Court's order.

Accordingly, this case is **DISMISSED WITHOUT PREJUDICE**. All pending motions are **DENIED AS MOOT**.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on this the 29th day of September, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE